

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUBEN LOPEZ-CAZARES,

Defendant.

8:05CR162

ORDER

This matter is before the Court on the Defendant's "Motion Seek Leave Criminal Justice Act of 1964 Funds for Sentencing Transcripts," ECF No. 420. Defendant Ruben Lopez-Cazares seeks a transcript of his sentencing proceedings of June 7, 2007, including exhibits offered and received during that proceeding.

The Defendant was sentenced to a term of 300 months incarceration and five years of supervised release on June 7, 2007, following a jury trial. He appealed his conviction and sentence, and transcripts were prepared with respect to the trial and sentencing proceedings. His conviction and sentence were affirmed on appeal on April 10, 2008. He moved to vacate his conviction and sentence under 28 U.S.C. § 2255 on July 10, 2009, and that motion was denied on September 28, 2009. He appealed the denial of that motion, and the U.S. Court of Appeals for the Eighth Circuit denied his appeal, issuing its mandate on March 29, 2010. On August 6, 2015, the Defendant moved for a reduction in sentence pursuant to Amendment 782 to the U.S. Sentencing Guidelines. His motion was granted and his sentence was reduced on January 12, 2016, to a term of 262 months. No further appeal was filed.

Because the Defendant has exhausted all his post-conviction remedies, and any further appeals or petitions for post-conviction relief would be untimely or otherwise

barred, his request for use of Criminal Justice Act funds for a transcript of his June 7, 2007, sentencing proceeding will be denied.

IT IS ORDERED:

1. The Defendant's "Motion Seek Leave Criminal Justice Act of 1964 Funds for Sentencing Transcripts," ECF No. 420, is denied; and
2. The Clerk will send a copy of this Order to the Defendant at his last known address.

Dated this 6th day of April, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge